

Notice of Allowability

Application No.

10/718,947

Examiner

Afsar M. Qureshi

Applicant(s)

OPRESCU-SURCOBE ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview, 8/29/2007, Fax/Amendments to Examiner, 8/31/2007.
2. ☒ The allowed claim(s) is/are 1,4,5,7,11,13,15,16,18,24,31,39-41,48-51(Renumbered as 1-18).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12/12/2005,3/29/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

A. Qureshi
AFSAR QURESHI
PRIMARY EXAMINER

8/31/07

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffery Jacobs on 8/30/2007.

1. The application has been amended as follows:

IN THE CLAIMS:

Claims 1, 4, 5, 18, 24, 31, 41, 48, 49, 50 and 51 have been amended and made of record as requested via Fax to Examiner, dated 8/30/2007.

Claims 2, 3, 6, 8-10, 12, 14, 17, 19-23, 25-30, 32-38 and 42-47 have been cancelled.

Claims 1, 4, 5, 7, 11, 13, 15, 16, 18, 24, 31, 39-41 and 48-51 remain in the application.

2. Claims 1, 4, 5, 7, 11, 13, 15, 16, 18, 24, 31, 39-41 and 48-51 allowed over prior art of record, Tiedemann Jr. et al. (US 2002/0154610), Kay et al. (US 5,299,198) and Koo et al. (US 6,804,219).

The following is an examiner's statement of reasons for allowance:

The instant application relates to call setup and minimizing delays in setting up calls. The inventive method steps include "assigning a primary channel, by the BS to MS, and a supplemental channel upon determining whether or not MS will require higher data rate channel at the time when MS is in a non-traffic state", as in claims 1, 18, 31, 41, 48- 51, thereby improving call set up delay time. The closest prior art of record, Tiedemann, Jr. et al. (US 20020154610), Kay et al. (US 5,299,198) and Koo et al. (US 6,804,219) disclose sending a control signal to determine the capacity and, based on this determination, allocating forward and reverse traffic channel while MS is in traffic state, causing delays in setting of a call. The Prior art, taken alone or in combination fails to disclose the above underlined limitations, and render the above claims allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Field Lynn can be reached on (571) 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AFSAR QURESHI
PRIMARY EXAMINER

8/31/2007